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EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/628,044  
Filing Date: July 26, 2003  
Appellant(s): JACKSON ET AL.

**MAILED**

AUG 09 2007

**GROUP 3600**

Snap-on Technologies, Inc  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on April 16, 2007 appealing from the Office action mailed on 3/15/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,370,455	LARSON et al.	4-2002
5,809,658	JACKSON et al.	9-1998

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 15, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Larson et al. (U.S. Patent No. 6,370,455).

As to claims 1, 9, 15, 24-26, Larson et al. disclose in (figure 1) a diagnostic system for a wheel alignment system (herein after referred to as “the instrument”) comprising method and apparatus to gather real-time data from the instrument (See at least col. 8, lines 6-11, lines 14-15, lines 18-22, lines 33-34); storing the gathered data associated with the instrument (col. 8, line 34 discloses making “..log files for performing error-detection..”; suggesting storing of data); and data replay for playing back the stored data (to diagnose the instrument) (See at least col. 8, lines 5-64) (See display) .

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 10-14, 16-21, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (U.S. Patent No. 6,370,455) in view of Jackson et al. (U.S. Patent No. 5,809,658).

As to claims 2-8, 10-14, 16-21, 22, 23, Larson discloses a diagnostic system to diagnose a wheel alignment system (herein after referred to as "the instrument". Larson does not teach that the diagnosis system uses cameras and that the real time data re images. In an analogous art, Jackson et al. teach a wheel alignment system which uses cameras and mirrors to perform the alignment task (See at least Fig.2). Fig. 2 also clearly shows a camera (30) data is fed into the computer (32) which displays the received data on display (34). As Jackson teaches a "typical wheel alignment system" (See applicant's admitted prior art at page 2 of the specification) and sending real time data to a computer; it would have been obvious to one of ordinary skill in the art at the time of the invention that at least part of the real time data transmitted and received by Larson et al. (also using a typical wheel alignment system) was obtained by optical means and presented during the analysis as images.

#### **(10) Response to Argument**

In Applicant's representative arguments on page 12, Applicant's representative refers to paragraph 0029 of the specification for the description and definition of the terms "real-time data" and "real-time signals"; and also stated on page 13 of argument, second paragraph, that in short, the term real-time data is defined in the present

disclosure as data that recreates events that occur in real-time, such data being of particular interest for operation that occurred during the period of malfunction.

Applicant's representative argues that Larson does not disclose the claimed subject matter reproduced above. And also argues that while Larson stores data such as "program log files," there is no disclosure or suggestion that these log files (or other stored data) comprise real-time data.

Further, Applicant's representative concedes that Larson has accumulated information over a period of time but does not suggest gathering real-time data associated with an individual apparatus while operating with respect to a particular vehicle, when a malfunction occurs. And also argues on page 14, there is no description in Larson of a replay system for playing back the real-time data that not only is associated with the instrument (e.g, the wheel alignment system) but, by extension, must also be associated with a particular vehicle under test during the malfunction event.

Examiner respectfully disagrees because most data are gathered in real-time and as stated in the office action, : a diagnostic system for a wheel alignment system (herein after referred to as "the instrument") comprising method and apparatus to gather real-time data from the instrument (See at least col. 8, lines 6-11, lines 14-15, lines 18-22, lines 33-34); storing the gathered data associated with the instrument (col. 8, line 34 discloses making "...log files for performing error-detection.."; suggesting storing of data); and data replay for playing back the stored data (to diagnose the instrument) (See at least col. 8, lines 5-64) (See display) . Applicant's representative acknowledges that

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information or data is gathered as previously stated; and the office action states the current log files suggest storing information in real-time wherein the current log files are for performing error-detection (malfunction). A display is also used to play back the real-time data gathered. Therefore, a display is used as a play back for displaying or playing back the real-time data further the office action states that data replay at col. 8, lines 5-64 is used for playing back stored data and is therefore a replay system in real time using the display.

Real-time analytics is the use of, or the capacity to use, all available enterprise data and resources when they are needed. It consists of dynamic analysis and reporting, based on data entered into a system less than one minute before the actual time of use. Real-time analytics is also known as real-time data analytics, real-time data integration, and real-time intelligence.

The adjective real-time refers to a level of computer responsiveness that a user senses as immediate or nearly immediate, or that enables a computer to keep up with some external process (for example, to present visualizations of Web site activity as it constantly changes).

Real-time analytics can be used in CRM (customer relations management) analytics, which includes all programming that analyzes data about an enterprise's customers and presents it so that better and quicker business decisions can be made. Another application is in scientific analysis such as the tracking of a hurricane's path, intensity, and wind field, with the intent of predicting these parameters hours or days in advance.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Gertrude A. Jeanglaude *GAJ*

(Primary Examiner)

Conferees:

Thomas Black (SPE)



Meredith Petravick

